

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
Civil Action No. 5:16-CV-298-BO**

**GARY AND ANNE CHILDRESS,  
RUSSELL AND SUZANNAH HO, and  
MICHAEL CLIFFORD, on behalf of  
themselves and others similarly situated,**

**Plaintiffs,**

**v.**

**JPMORGAN CHASE & CO., JPMORGAN  
CHASE BANK, N.A., CHASE BANK USA,  
N.A., and CHASE BANKCARD  
SERVICES, INC.,**

**Defendants.**

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**DEFENDANTS' UNOPPOSED MOTION TO DISMISS PLAINTIFF MICHAEL  
CLIFFORD FOR FAILURE TO PROSECUTE**

Defendants JPMorgan Chase & Co., JPMorgan Chase Bank, N.A., Chase Bank USA, N.A., and Chase Bankcard Services, Inc. (collectively, "Defendants"), through counsel, hereby respectfully move pursuant to Federal Rules of Civil Procedure 37(d) and 41(b) to dismiss Michael Clifford ("Clifford") as a plaintiff and putative class representative in this action due to his failure to prosecute, without prejudice only to his right to participate in this action as a member of a class if one should be later certified. The grounds for this motion are more fully set forth in the accompanying Memorandum in Support of Defendants' Unopposed Motion to Dismiss Plaintiff Michael Clifford for Failure to Prosecute.

Dated: August 24, 2017.

Respectfully submitted,

/s/ Alan E. Schoenfeld  
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N.A., and Chase Bankcard Services, Inc.*

## CERTIFICATE OF SERVICE

I hereby certify that on August 24, 2017, the foregoing document has been electronically filed using the CM/ECF system, which will send notification of such filing to the following:

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